



# Journal of the Senate

State of Indiana

114th General Assembly

First Regular Session

Third Meeting Day

Thursday Morning

January 6, 2005

The Senate convened at 10:01 a.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

Prayer was offered by Senator Allie V. Craycraft, Jr.

The Pledge of Allegiance to the Flag was led by Senator Craycraft.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting <input type="checkbox"/>	Long
Antich-Carr	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Clark	Mishler
Craycraft	Mrvan
Dillon	Nugent
Drozda	Paul
Ford <input type="checkbox"/>	Riegsecker
Gard	Rogers
Garton	Server
Harrison	Simpson
Heinold	Sipes
Hershman	Skinner
Howard	Smith
Hume	Steele <input type="checkbox"/>
Jackman	Waltz
Kenley	Waterman <input type="checkbox"/>
Kruse	Weatherwax <input type="checkbox"/>
Lanane <input type="checkbox"/>	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 4: present 44; excused 6. [Note: A ☐ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

## REPORTS FROM COMMITTEES

### COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 12, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning

state offices and administration.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-13-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The department shall, subject to this chapter, do the following:

- (1) Execute and administer all appropriations as provided by law, and execute and administer all provisions of law that impose duties and functions upon the executive department of government, including executive investigation of state agencies supported by appropriations and the assembly of all required data and information for the use of the executive department and the legislative department.
- (2) Supervise and regulate the making of contracts by state agencies.
- (3) Perform the property management functions required by IC 4-20.5-6.
- (4) Assign office space and storage space for state agencies in the manner provided by IC 4-20.5-5.
- (5) Maintain and operate the following for state agencies:
  - (A) Central duplicating.
  - (B) Printing.
  - (C) Machine tabulating.
  - (D) Mailing services.
  - (E) Centrally available supplemental personnel and other essential supporting services.
  - (F) Information services.
  - (G) Telecommunication services.

The department may require state agencies to use these general services in the interests of economy and efficiency. The general services rotary fund, the telephone rotary fund, and the data processing rotary fund are established through which these services may be rendered to state agencies. The budget agency shall determine the amount for each rotary fund.

- (6) Control and supervise the acquisition, operation, maintenance, and replacement of state owned vehicles by all state agencies. The department may establish and operate, in the interest of economy and efficiency, a motor vehicle pool, and may finance the pool by a rotary fund. The budget agency shall determine the amount to be deposited in the rotary fund.
- (7) Promulgate and enforce rules relative to the travel of officers and employees of all state agencies when engaged in the performance of state business. These rules may allow reimbursement for travel expenses by any of the following methods:

- (A) Per diem.
- (B) For expenses necessarily and actually incurred.
- (C) Any combination of the methods in clauses (A) and (B).

The rules must require the approval of the travel by the commissioner and the head of the officer's or employee's department prior to payment.

(8) Administer IC 4-13.6.

(9) Prescribe the amount and form of certified checks, deposits, or bonds to be submitted in connection with bids and contracts when not otherwise provided for by law.

(10) Rent out, with the approval of the governor, any state property, real or personal:

(A) not needed for public use; or

(B) for the purpose of providing services to the state or employees of the state;

the rental of which is not otherwise provided for or prohibited by law. Property may not be rented out under this subdivision for a term exceeding ten (10) years at a time. However, if property is rented out for a term of more than four (4) years, the commissioner must make a written determination stating the reasons that it is in the best interests of the state to rent property for the longer term. This subdivision does not include the power to grant or issue permits or leases to explore for or take coal, sand, gravel, stone, gas, oil, or other minerals or substances from or under the bed of any of the navigable waters of the state or other lands owned by the state.

(11) Have charge of all central storerooms, supply rooms, and warehouses established and operated by the state and serving more than one (1) agency.

(12) Enter into contracts and issue orders for printing as provided by IC 4-13-4.1.

(13) Sell or dispose of surplus property under IC 5-22-22, or if advantageous, to exchange or trade in the surplus property toward the purchase of other supplies, materials, or equipment, and to make proper adjustments in the accounts and inventory pertaining to the state agencies concerned.

(14) With respect to power, heating, and lighting plants owned, operated, or maintained by any state agency:

(A) inspect;

(B) regulate their operation; and

(C) recommend improvements to those plants to promote economical and efficient operation.

(15) Administer, determine salaries, and determine other personnel matters of the department of correction ombudsman bureau established by IC 4-13-1.2-3.

**(16) Adopt rules to establish and implement a "Code Adam" safety protocol as described in IC 4-20.5-6-9.**

SECTION 2. IC 4-20.5-6-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 9. (a) The department shall adopt rules under IC 4-22-2 to establish and implement a "Code Adam" safety protocol at the buildings that:**

**(1) the department:**

**(A) maintains;**

**(B) equips; or**

**(C) operates;**

**under section 2(b) of this chapter; and**

**(2) are open to the public.**

**(b) Rules adopted under this section must include the following:**

**(1) Procedures for a state employee to follow when a**

**parent, teacher, or guardian notifies a state employee that a child is lost or missing. The procedures must include:**

**(A) information that a state employee is to obtain from the parent, teacher, or guardian concerning the description of the lost or missing child; and**

**(B) the person in the department the state employee is to contact about a lost or missing child.**

**(2) Procedures for the department contact person described in subdivision (1)(B) to follow after being notified of a lost or missing child.**

**(3) Procedures for department employees to search the building in which the lost or missing child is presumed to be located.**

**(4) Procedures for department employees to contact law enforcement if the lost or missing child is not found.**

(Reference is to SB 12 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Corrections, Criminal, and Civil Matters.

GARTON, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 13, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 10-13-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 8. (a) The superintendent may establish a data base of DNA identification records of:**

**(1) convicted criminals;**

**(2) crime scene specimens;**

**(3) unidentified missing persons; and**

**(4) close biological relatives of missing persons.**

**(b) The superintendent shall maintain the Indiana DNA data base.**

**(c) The superintendent may contract for services to perform DNA analysis of convicted offenders under section 10 of this chapter to assist federal, state, and local criminal justice and law enforcement agencies in the putative identification, detection, or exclusion of individuals who are subjects of an investigation or prosecution of a sex offense, a violent crime, or another crime in which biological evidence is recovered from the crime scene.**

**(d) The superintendent shall adopt rules under IC 4-22-2 necessary to administer and enforce the provisions and intent of this chapter.**

**(e) The detention, arrest, or conviction of a person based on a data base match or data base information is not invalidated if a court determines that the DNA sample was obtained or placed in the Indiana DNA data base by mistake.**

SECTION 2. IC 10-13-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 10. (a) This section applies to the following:**

(1) A person convicted of a felony under IC 35-42 (offenses against the person) ~~or IC 35-43-2-1 (burglary): or IC 35-42-4-6 (child solicitation):~~

(A) after June 30, 1996, whether or not the person is sentenced to a term of imprisonment; ~~and or~~

(B) before July 1, 1996, if the person is held in jail or prison on or after July 1, 1996.

(2) A person convicted of a criminal law in effect before October 1, 1977, that penalized an act substantially similar to a felony described in IC 35-42 or IC 35-43-2-1 or that would have been an included offense of a felony described in IC 35-42 or IC 35-43-2-1 if the felony had been in effect:

(A) after June 30, 1998, whether or not the person is sentenced to a term of imprisonment; ~~and or~~

(B) before July 1, 1998, if the person is held in jail or prison on or after July 1, 1998.

**(3) A person convicted of a felony, conspiracy to commit a felony, or attempt to commit a felony:**

**(A) after June 30, 2005, whether or not the person is sentenced to a term of imprisonment; or**

**(B) before July 1, 2005, if the person is held in jail or prison on or after July 1, 2005.**

(b) A person described in subsection (a) shall provide a DNA sample to the:

(1) department of correction or the designee of the department of correction if the offender is committed to the department of correction; or

(2) county sheriff or the designee of the county sheriff if the offender is held in a county jail or other county penal facility, placed in a community corrections program (as defined in IC 35-38-2.6-2), or placed on probation.

A ~~convicted~~ person is not required to submit a blood sample if doing so would present a substantial and an unreasonable risk to the person's health.

(Reference is to SB 13 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

GARTON, Chair

Report adopted.

#### COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 32, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-47-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) A person desiring a license to carry a handgun shall apply:

(1) to the chief of police or corresponding law enforcement officer of the municipality in which the applicant resides;

(2) if that municipality has no such officer, or if the applicant does not reside in a municipality, to the sheriff of the county in which the applicant resides after the applicant has obtained an application form prescribed by the superintendent; or

(3) if the applicant is a resident of another state and has a regular place of business or employment in Indiana, to the sheriff of the county in which the applicant has a regular place of business or employment.

(b) The law enforcement agency which accepts an application for a handgun license shall collect a ten dollar (\$10) application fee, five dollars (\$5) of which shall be refunded if the license is not issued. Except as provided in subsection (h), the fee shall be:

(1) deposited into the law enforcement agency's firearms training fund or other appropriate training activities fund; and

(2) used by the agency for the purpose of:

(A) training law enforcement officers in the proper use of firearms or other law enforcement duties; or

(B) purchasing for the law enforcement officers employed by the law enforcement agency firearms, or firearm related equipment, or both.

The state board of accounts shall establish rules for the proper accounting and expenditure of funds collected under this subsection.

(c) The officer to whom the application is made shall ascertain the applicant's name, full address, length of residence in the community, whether the applicant's residence is located within the limits of any city or town, the applicant's occupation, place of business or employment, criminal record, if any, and convictions (minor traffic offenses excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun and, if so, the serial number of the license and year issued, whether the applicant's license has ever been suspended or revoked, and if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with ~~his~~ **the officer's** recommendation for approval or disapproval and one (1) set of legible and classifiable fingerprints of the applicant to the superintendent.

(d) The superintendent may make whatever further investigation the superintendent deems necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with the officer's complete and specific reasons, in writing, for the recommendation of disapproval.

(e) If it appears to the superintendent that the applicant:

(1) has a proper reason for carrying a handgun; ~~and~~

(2) is of good character and reputation; ~~and~~

(3) is a proper person to be ~~so~~ licensed; ~~and~~

(4) is:

(A) a citizen of the United States; or

(B) not a citizen of the United States but is allowed to carry a firearm in the United States under federal law;

the superintendent shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the

applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least four (4) years. This license shall be valid for a period of four (4) years from the date of issue. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of such individuals. However, such lifetime licenses are automatically revoked if the license holder does not remain a proper person.

(f) At the time a license is issued and delivered to a licensee under subsection (e), the superintendent shall include with the license information concerning handgun safety rules that:

- (1) neither opposes nor supports an individual's right to bear arms; and
- (2) is:
  - (A) recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms;
  - (B) prepared by the state police department; and
  - (C) approved by the superintendent.

The superintendent may not deny a license under this section because the information required under this subsection is unavailable at the time the superintendent would otherwise issue a license. The state police department may accept private donations or grants to defray the cost of printing and mailing the information required under this subsection.

(g) A license to carry a handgun shall not be issued to any person who:

- (1) has been convicted of a felony;
- (2) is under eighteen (18) years of age;
- (3) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or
- (4) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (4), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

(h) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

(i) If a person who holds a valid license to carry a handgun issued under this chapter:

- (1) changes the person's name; or
- (2) changes the person's address;

the person shall, not later than sixty (60) days after the date of the change, notify the superintendent, in writing, of the person's new name or new address.

(j) The state police shall indicate on the form for a license to carry

a handgun the notification requirements of subsection (i).

(Reference is to SB 32 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Homeland Security, Utilities, and Public Policy.

GARTON, Chair

Report adopted.

#### **REPORT OF THE PRESIDENT PRO TEMPORE APPOINTING COMMITTEE TO TRANSMIT THE SENATE CONCURRENT RESOLUTION CONVENING A JOINT CONVENTION**

Madam President: I move that Senators Landske, Merritt, and Rogers be appointed as a committee of three members of the Senate to transmit the Senate Concurrent Resolution convening a Joint Convention of the two houses to hear the canvass of votes cast for the election of the Governor and Lieutenant Governor and to witness the inaugural ceremonies. Senator Landske shall serve as Chair of the Committee.

GARTON

#### **COMMITTEE REPORT**

Madam President: Your committee, appointed to transmit to the House a concurrent resolution convening a joint convention of the two houses to hear the canvass of votes cast for the election of the Governor and Lieutenant Governor and to witness the inaugural ceremonies for the Governor and Lieutenant Governor, hereby reports that it has discharged the duty assigned to it and the House has concurred in the resolution and will meet with the Senate in joint convention in the hall of the House of Representative, at the hour of 9:30 a.m., Monday, January 10, 2005.

LANDSKE, Chair  
MERRITT

ROGERS

Report adopted.

#### **REPORT OF THE PRESIDENT PRO TEMPORE**

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Senate Bill 40, currently assigned to the Committee on Judiciary, be reassigned to the Committee on Corrections, Criminal, and Civil Matters.

GARTON

#### **RESOLUTIONS ON FIRST READING**

##### **Senate Concurrent Resolution 9**

Senate Concurrent Resolution 9, introduced by Senator Long:

A CONCURRENT RESOLUTION to convene a Joint Convention of the One Hundred Fourteenth General Assembly of the State of Indiana.

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That a Joint Convention of the Senate and the House of Representatives be convened, to meet in the Chambers of the House of Representatives at 9:30 a.m. on Monday, January 10, 2005, for the purpose of hearing the canvass of votes cast for the election of the Governor and Lieutenant Governor held on November 2, 2004, pursuant to Indiana Code 3-12-5-5. The Joint convention shall then relocate to the Pepsi Coliseum at the Indiana State Fairgrounds for the purpose of witnessing the inaugural ceremonies at 11:00 a.m. and of being present at the time when the oath of office is administered to the Governor and Lieutenant Governor, as required by Indiana Code 5-4-1-3 and Section 4 of Article 15 of the Constitution of the State of Indiana. At the conclusion of the ceremonies the Joint Convention shall be adjourned and the members of the House of Representatives and the Senate will return to their respective Chambers.

The President Pro Tempore is hereby directed to appoint a committee of three members of the Senate to transmit this Resolution to the House of Representatives and report to the Senate such action as the House may take thereon.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Friend.

### Senate Resolution 3

Senate Resolution 3, introduced by Senators R. Young and Garton:

A SENATE RESOLUTION to honor Governor Joseph E. Kernan for his service to the State of Indiana and the Indiana Senate.

*Whereas, Governor Kernan, after the untimely death of Governor Frank L. O'Bannon, Lt. Governor Kernan was sworn in as Indiana's 48th Governor on September 13, 2003;*

*Whereas, Governor Kernan's service as Governor confirmed his commitment to Indiana's children and seniors, and other Hoosiers so often lost in today's rough and tumble political world. In addition, Governor Kernan's commitment to diversity and inclusion was confirmed by his selection of Katherine Davis, as the state's first female Lieutenant Governor, and David Lewis, an African-American selected for service as the state's Clerk of Courts;*

*Whereas, Prior to his elevation to Governor, Governor Kernan was elected Lieutenant Governor in 1996 and again in 2000. As Lieutenant Governor, Governor Kernan served as President of the Indiana Senate, the Director of the Indiana Department of Commerce, Commissioner of Agriculture, and as Chair of the Indiana 21st Century Research and Technology Fund;*

*Whereas, As Lieutenant Governor in 1998, Governor Kernan organized and led the bi-partisan Agricultural Crisis and the Insurance Industry Working Groups. In 1999, he launched the*

*Veterans Outreach Initiative, an effort to encourage veterans to take advantage of state and federal benefits they earned by serving our country. In addition, as Lieutenant Governor, Governor Kernan championed Indiana's 2002 comprehensive tax restructuring plan and the "Energize Indiana" job creation plan encouraging investment in research and technology, rural development, workforce development and intermodal transportation;*

*Whereas, Prior to his service as a state-wide elected official, Governor Kernan, was elected Mayor of South Bend in 1987, 1991 and 1995. Governor Kernan also served the City of South Bend as City Controller from 1981 to 1984; and*

*Whereas, Governor Kernan honorably served his country as a U.S. Naval Flight Officer during the Vietnam Conflict, and while serving his country was shot down by the enemy and held as a prisoner of war for nearly 11 months, receiving the Navy Commendation Medal, two Purple Hearts and the Distinguished Flying Cross for his service: Therefore,*

*Be it resolved by the Senate of the  
General Assembly of the State of Indiana:*

SECTION 1. That the Senate of the General Assembly of the State of Indiana, on behalf of the citizens of the State of Indiana, expresses its appreciation and affection for Governor Joe Kernan in recognition of his years of service to this body and the people of the State of Indiana.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Governor Kernan and his lovely wife, Maggie.

The resolution was read in full and adopted by voice vote.

### SENATE MOTION

Madam President: I move that Senators Alting, Antich-Carr, Bowser, Bray, Breaux, Broden, Clark, Craycraft, Dillon, Drozda, Ford, Gard, Harrison, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Server, Simpson, Sipes, Skinner, Smith, Steele, Waltz, Waterman, Weatherwax, Wyss, M. Young, and Zakas be added as coauthors of Senate Resolution 3.

R. YOUNG

Motion prevailed.

### Senate Resolution 4

Senate Resolution 4, introduced by Senators R. Young and Garton:

A SENATE RESOLUTION to honor Lieutenant Governor Katherine L. Davis for her service to the State of Indiana and the

Indiana Senate.

*Whereas, Kathy Davis was called upon by Governor Joseph E. Kernan to be his Lieutenant Governor nominee, filling the vacancy caused by his elevation to the governorship after the untimely death of Governor Frank L. O'Bannon;*

*Whereas, Kathy Davis' nomination as Indiana's 49th Lieutenant Governor was unanimously confirmed by the Indiana General Assembly in Special Session on October 23, 2003;*

*Whereas, Upon Lt. Governor Davis' confirmation, she became the first woman to hold the Lieutenant Governor's office;*

*Whereas, As Indiana's Lieutenant Governor, Lt. Governor Davis served as President of the Indiana Senate, the Director of the Indiana Department of Commerce, the Commissioner of Agriculture, the Chair of the Indiana 21st Century Research and Technology Fund and the Chair of Indiana's Counter Terrorism and Security Council;*

*Whereas, In January 2004, Governor Kernan charged Lt. Governor Davis with the task, known as the "Peak Performance Project", of working with leaders from across Indiana to review state government from top to bottom and propose changes to make it more accountable, efficient and easier for Hoosiers to get necessary services and programs;*

*Whereas, Prior to Lt. Governor Davis' service as a state-wide official, Lt. Governor Davis spent four years as Controller for the City of Indianapolis; managed the start-up of the Indiana 21st Century Research and Technology Fund; served as Secretary for the Indiana Family and Social Services Administration; served as State Budget Director; served as Deputy Commissioner of the Indiana Department of Transportation; and worked for Cummins, Inc. of Columbus, Indiana, where she managed assembly and shipping operations; and*

*Whereas, The outstanding career of Lt. Governor Davis commenced with her educational achievements earning an undergraduate degree from the Massachusetts Institute of Technology and a master's degree from Harvard Business School: Therefore,*

*Be it resolved by the Senate of the  
General Assembly of the State of Indiana:*

SECTION 1. That the Senate of the General Assembly of the State of Indiana, on behalf of the citizens of the State of Indiana, expresses its appreciation in recognition for her service to the Indiana Senate and the people of the State of Indiana.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Lieutenant Governor Katherine L. Davis and her husband, John Davis.

The resolution was read in full and adopted by voice vote.

## SENATE MOTION

Madam President: I move that Senators Alting, Antich-Carr, Bowser, Bray, Breaux, Broden, Clark, Craycraft, Dillon, Drozda, Ford, Gard, Harrison, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Server, Simpson, Sipes, Skinner, Smith, Steele, Waltz, Waterman, Weatherwax, Wyss, M. Young, and Zakas be added as coauthors of Senate Resolution 4.

R. YOUNG

Motion prevailed.

## Senate Resolution 5

Senate Resolution 5, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to recognize Kevin Charles Murray for his service to the Indiana General Assembly.

*Whereas, Kevin Charles Murray began his career with the Indiana General Assembly as a young, impressionable intern for the Senate Democrats during the 1975 session;*

*Whereas, Kevin has held numerous positions in the Senate and the House of Representatives since that time, including: Senate Democratic Caucus Assistant, 1975-76; Senate Democratic Attorney Assistant, 1976-79; Senate Democratic Attorney, 1979-80; House Democratic Chief Attorney, 1980-86; Senate Democratic Chief Attorney, 1997-99; and Senate Parliamentarian, 1999-2004;*

*Whereas, Throughout the course of his service to the Indiana General Assembly, Kevin has repeatedly demonstrated his wisdom, compassion, understanding and sense of history;*

*Whereas, Although passionate in his political beliefs, Kevin has always argued respectfully and has been a champion of civility between adversaries;*

*Whereas, Kevin has earned the respect and admiration of legislators on both sides of the aisle; and*

*Whereas, Kevin has made significant contributions to the Indiana State Senate, the Indiana General Assembly, and to the citizens of Indiana: Therefore,*

*Be it resolved by the Senate of the  
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana State Senate expresses its thanks and appreciation to Kevin Charles Murray in recognition of his years of service to the legislative process.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Kevin Charles Murray and his wife, Lisa Hays Murray.

The resolution was read in full and adopted by voice vote.

#### SENATE MOTION

Madam President: I move that Senators Alting, Antich-Carr, Bowser, Bray, Breaux, Broden, Clark, Craycraft, Dillon, Drozda, Ford, Gard, Harrison, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Server, Simpson, Sipes, Skinner, Smith, Steele, Waltz, Waterman, Weatherwax, Wyss, M. Young, and Zakas be added as coauthors of Senate Resolution 5.

GARTON

Motion prevailed.

#### Senate Resolution 6

Senate Resolution 6, introduced by Senator Garton:

A SENATE RESOLUTION offering condolences and prayers to the victims of the Indian Ocean earthquake and the resulting tsunamis.

*Whereas, More than 150,000 people are believed to be dead or missing in many countries as a result of the Indian Ocean earthquake and tsunamis;*

*Whereas, Over five million people have been displaced by this natural disaster and are in need of food and shelter during this critical time;*

*Whereas, The United States Flag will be flown at half-staff at all public buildings and grounds out of respect for the victims of this horrific disaster;*

*Whereas, The people of the United States and around the world have shown overwhelming generosity, pledging to donate billions of dollars in supplies and aid to the affected countries; and*

*Whereas, Hoosiers are also mobilizing to send aid through their churches, civic groups, and their local Red Cross chapters: Therefore,*

*Be it resolved by the Senate of the  
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana State Senate respectfully offers condolences and prayers to the victims of this natural disaster and to each of the countries affected by this tragic event.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Embassies of Bangladesh,

India, Indonesia, Kenya, Malaysia, Myanmar, Seychelles, Sri Lanka, Tanzania, and Thailand.

The resolution was read in full and adopted by standing vote.

#### SENATE MOTION

Madam President: I move that Senators Alting, Antich-Carr, Bowser, Bray, Breaux, Broden, Clark, Craycraft, Dillon, Drozda, Ford, Gard, Harrison, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Server, Simpson, Sipes, Skinner, Smith, Steele, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as coauthors of Senate Resolution 6.

GARTON

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Paul be added as second author of Senate Bill 222.

MILLER

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Rogers be added as second author of Senate Bill 200.

LUBBERS

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Rogers be added as second author of Senate Bill 231.

LUBBERS

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Sipes be added as second author of Senate Bill 38.

ANTICH-CARR

Motion prevailed.

#### SENATE MOTION

Madam President: I move that Senator Kenley be added as coauthor of Senate Bill 38.

ANTICH-CARR

Motion prevailed.

## SENATE MOTION

Madam President: I move that Senator R. Young be added as coauthor of Senate Bill 94.

LEWIS

Motion prevailed.

## INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

**SB 241** — Long, Lewis (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT concerning natural and cultural resources.

**SB 242** — Long (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

**SB 243** — Long (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans affairs and to make an appropriations.

**SB 244** — Long (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**SB 245** — Long (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**SB 246** — R. Young (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

**SB 247** — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance. (Vehicle Bill)

**SB 248** — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law. (Vehicle Bill)

**SB 249** — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration. (Vehicle Bill)

**SB 250** — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation. (Vehicle Bill)

**SB 251** — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals. (Vehicle Bill)

**SB 252** — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning

natural and cultural resources. (Vehicle Bill)

**SB 253** — Ford (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**SB 254** — Ford (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 255** — Ford (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 256** — Lubbers (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**SB 257** — Kenley (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**SB 258** — Kenley (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**SB 259** — Landske (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

**SB 260** — Paul (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

**SB 261** — Alting (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

**SB 262** — Alting (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 263** — Alting (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**SB 264** — Alting (Commerce and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**SB 265** — Jackman (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**SB 266** — Jackman (Natural Resources)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.



**SB 267** — Jackman (Agriculture and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

**SB 268** — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**SB 269** — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**SB 270** — Weatherwax (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 271** — Weatherwax (Commerce and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

**SB 272** — Lubbers (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

**SB 273** — Craycraft (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety. (Vehicle Bill)

**SB 274** — Craycraft (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning health. (Vehicle Bill)

**SB 275** — Craycraft (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning education. (Vehicle Bill)

**SB 276** — Craycraft (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**SB 277** — Meeks (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 278** — Meeks (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**SB 279** — Gard (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

**SB 280** — Gard (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

**SB 281** — Kenley (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**SB 282** — Long (Commerce and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

**SB 283** — Long, Broden (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 284** — Zakas (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 285** — Wyss, Lubbers, Rogers, Sipes (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**SB 286** — Kenley (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

**SB 287** — Bray (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**SB 288** — Ford (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 289** — Mrvan (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

**SB 290** — Mrvan (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and civil procedure.

**SB 291** — Breaux (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

**SB 292** — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

**SB 293** — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**SB 294** — Steele (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

**SB 295** — Steele (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

**SB 296** — Meeks (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning

education.

**SB 297** — Gard (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 298** — M. Young, Kenley, R. Young, Hume (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

**SB 299** — Simpson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

**SB 300** — Simpson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**SB 301** — Clark (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**SB 302** — Clark (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**SB 303** — Clark (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

**SB 304** — Wyss, Craycraft, Meeks (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning Military and veterans' affairs.

**SB 305** — Riegsecker (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 306** — Riegsecker (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**SB 307** — M. Young, Waltz (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 308** — M. Young (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 309** — Lubbers (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**SB 310** — Gard (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**SB 311** — Antich-Carr (Elections and Civic Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**SB 312** — Antich-Carr (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**SB 313** — Antich-Carr (Elections and Civic Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

**SB 314** — Antich-Carr (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**SB 315** — R. Young (Natural Resources)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

**SB 316** — Bowser (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**SB 317** — Bowser (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

**SB 318** — Wyss, Bray (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

**SB 319** — Simpson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**SB 320** — Simpson (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

**SB 321** — Riegsecker (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

**SB 322** — Bray (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

**SB 323** — Server (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 324** — Server (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning

professions and occupations.

**SB 325** — Server (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

**SB 326** — Server (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

**SB 327** — Hume, Kenley (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 328** — Gard (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

**SB 329** — Gard (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

**SB 330** — Lewis (Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

## RESOLUTIONS ON FIRST READING

### Senate Concurrent Resolution 7

Senate Concurrent Resolution 7, introduced by Senator Server:

A CONCURRENT RESOLUTION urging the legislative council to instruct the FSSA Evaluation Committee to survey the providers and consumers of the family and social services administration (FSSA).

*Whereas, Indiana citizens depend on FSSA to protect the most vulnerable people in our state who cannot protect themselves;*

*Whereas, FSSA is responsible for the well-being of our children and provides services to the mentally ill, the disabled, the elderly, and other vulnerable groups;*

*Whereas, Some problems discovered in FSSA are high turnover among staff, ineffective accountability to the public, and poor internal communication;*

*Whereas, To improve the service and efficiency of Indiana's largest agency, a survey should be conducted to query providers and consumers regarding their opinion of the services provided by FSSA: Therefore,*

*Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the legislative council is urged to instruct the FSSA Evaluation Committee to survey the providers and consumers of the family and social services administration in an attempt to solve existing problems within the agency.

The resolution was read in full and referred to the Committee on Health and Provider Services.

## SENATE MOTION

Madam President: I move we adjourn until 9:00 a.m., Monday, January 10, 2005.

LONG

Motion prevailed.

The Senate adjourned at 12:06 p.m.

MARY C. MENDEL  
Secretary of the Senate

KATHERINE L. DAVIS  
President of the Senate